

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER

To Vacate, Discontinue and Abandon Certain Public Interests, Rights and Easements in a portion of Eaton Street in the City of Lowell.

The City of Lowell desires to vacate, discontinue and abandon a portion of Eaton Street more fully hereinafter described; and

There is no further municipal need for said portion of Eaton Street to be used as a street; and

The City Council of the City of Lowell having ordered, adjudged and decreed to vacate, discontinue and abandon any and all public interests, rights and easements, if any, on a portion of Eaton Street through an April 21, 2015 Order annexed hereto as Attachment "A"; and

The description of the portion of Eaton Street to be vacated, discontinued and abandoned having been modified through a revised survey and plan and the City Council desiring to amend its prior Order to vacate, discontinue and abandon the portion of Eaton Street referenced in the revised description and plan annexed hereto;

BE IT ORDERED, ADJUDGED AND DECREED by the City Council of the City of Lowell as follows:

That common convenience and necessity require that the City of Lowell vacate, discontinue and abandon any and all public interests, rights and easements, if any, in the portion of Eaton Street hereinafter described as Parcel C, annexed hereto as Attachment "B" and made a part hereof and as shown on the Plan hereinafter referred to as Attachment "C" annexed hereto and made a part hereof and the same is hereby discontinued as a public street or way or other public right of way in the City of Lowell.

Also as a further condition and part of this Order, that upon the abandonment and discontinuance herein, the City of Lowell and its designated utility company shall have the right of easement to maintain, repair, change or re-route all sewer lines, drains, water, electrical, telephone, cable and gas lines at or under said abandoned areas, and that such work be performed under the supervision of the Department of Public Works, Engineering, Lowell Regional Water Utility and Lowell Regional Wastewater Utility.

Also, as a further condition and part of this Order that upon the abandonment and discontinuance herein, the abutting owner, as shown on the certified Abutters List annexed hereto as Attachment "D", to the mid-line of said abandoned areas shall henceforth be picked up for assessment purposes by the City of Lowell Board of Assessors; and

Also, as a further condition and part of this Order, said Order and all attachments shall be recorded forthwith by and at the expense of the Veterans of Foreign Wars at the Middlesex North District Registry of Deeds.

Order/abandoneaton

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER

To Vacate, Discontinue and Abandon Certain Public Interests, Rights and Easements in a portion of Eaton Street in the City of Lowell.

The City of Lowell desires to vacate, discontinue and abandon a portion of Eaton Street, extending from Plain Street to Montreal Street, and more fully hereinafter described; and

There is no further municipal need for said portion of Eaton Street be used as a street; and

The City of Lowell desires and finds common convenience and necessity to vacate and discontinue and abandon any and all public interests, rights and easements in the portion of Eaton Street, hereinafter described on Attachment "A", annexed hereto made a part hereof; and

Upon abandonment of said public interest in said portion of Eaton Street, title free of said public easements is in the abutting property owners to the mid-line of said abandoned area and shall henceforth be assessed to said abutters for real estate tax purposes.

BE IT ORDERED, ADJUDGED AND DECREED by the City Council of the City of Lowell as follows:

That common convenience and necessity require that the City of Lowell vacate, discontinue and abandon any and all public interests, rights and easements, if any, in the portion of Eaton Street hereinafter described on Attachment "A", annexed hereto and made a part hereof, and shown on the plan hereinafter referred to as Attachment "C", annexed hereto and made a part hereof and the same is hereby discontinued as a public street or way or other public right of way in the City of Lowell.

"A"

Also as a further condition and part of this Order, that upon the abandonment and discontinuance herein, that the City of Lowell and its designated utility company shall have the right of easement to maintain, repair, change or re-route all sewer lines, drains, water, electrical, telephone, cable and gas lines at or under said abandoned area, and that such work be performed under the supervision of the Department of Public Works, Engineering, Lowell Regional Water Utility and Lowell Regional Wastewater Utility.

Also, a further condition and part of this Order is that, upon the abandonment and discontinuance herein, the abutting owners to the mid-line of said abandoned area shall henceforth be picked up for assessment purposes by the City of Lowell Board of Assessors. The abutting owners as shown on the certified Abutters List hereinafter described on Attachment "B", annexed hereto made a part hereof; and

Also as a further condition and part of this Order, said Order shall be recorded forthwith by and at the expense of the Petitioner at the Middlesex North District Registry of Deeds.

In City Council March 31, 2015, Given 1st Reading and hearing ordered for 7PM on April 14, 2015. So Voted./s/Michael Q. Geary, City Clerk

In City Council April 14, 2015, Given 2nd Reading and hearing held. Hearing closed. No Remonstrants. Order to remain in City Clerk's Office for 7 days. So Voted./s/Michael Q. Geary, City Clerk

In City Council April 21, 2015, Read twice and adopted on roll call vote 9 yeas. So Voted./s/Michael Q. Geary, City Clerk

Approved by City Manager Kevin J. Murphy April 22, 2015.

A true copy

ATTEST:



Michael Q. Geary
City Clerk

Parcel C

A certain parcel of land, with all improvements thereon, located in Lowell, Middlesex County, Massachusetts, situated at the southerly intersection of Eaton Street and Montreal Street and being shown as Portion of Eaton Street To Be Discontinued on plan entitled "Partial Discontinuance Plan for Eaton Street and Montreal Street" dated January 18, 2019 and prepared by WSP USA Inc.

Beginning at a point at the southwest corner of land now or formerly Veterans of Foreign Wars and the former southeast intersection of Eaton Street and Plain Street, said point being the southwest corner of the portion of Eaton Street to be discontinued. Thence,

Along the northerly sideline of Plain Street,

S 80°07'37" W fifty and 10/100 feet (50.10') to the southeast corner of land now or formerly Veterans of Foreign Wars. Thence,

Along land now or formerly of Veterans of Foreign Wars,

N 13°25'00" E one hundred seventy-nine and 36/100 feet (179.36') to the northwest corner of said land. Thence across Eaton Street,

N 76°10'55" W fifty and 00/100 feet (50.00') to a point. Thence,

Along the former westerly sideline of Eaton Street,

S 13°25'00" W one hundred eighty-two and 81/100 feet (182.81') to the point of beginning.

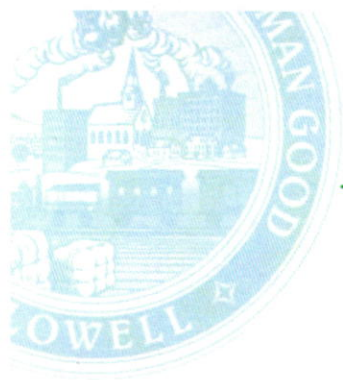
Said discontinued area of Eaton Street containing 9,054 square feet more or less.

RE: 190 PLAIN ST
BK/PG- 152/367

VETERANS OF FOREIGN WARS
C/O JAMES H. GOLDEN
190 PLAIN ST
LOWELL, MA 01852-5128

RE: 198 PLAIN ST
BK/PG- 1415/275

VETERANS FOREIGN WARS
WALKER-ROGERS P662 INC
190 PLAIN ST
LOWELL, MA 01852-5128



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Elliott J. Veloso
Assistant City Solicitors

August 23, 2019

City Manager Eileen M. Donoghue
Mayor William Samaras
Members of the City Council

RE: Order to Abandon Portion of Eaton Street

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

Enclosed is an Order for Abandonment of Portion of Eaton Street.

The Order of Abandonment must follow the hearing process outlined below:

Procedure for Street Construction or Vacation, under Code of Ordinances of City of Lowell,
Article III §243-13, §243-14 and §243-15;

1. Proposed Order of Abandonment is submitted to City Council;
2. Refer Order to a Council Committee or as a Committee of the Whole;
3. City Council sitting as a Committee of the Whole shall hold a public hearing and given notice at least seven (7) days in advance thereof by:
 - (a) Posting
 - (b) Service by Constable on the abutters
4. Committee hearing shall:
 - (a) Hear parties
 - (b) View (if requested)
 - (c) Report to full Council

5. Report of the Council and the Order issued by the Council shall contain:
 - (a) Recommendation to abandon, or not
 - (b) Finding of common convenience and necessity
 - (c) Report boundaries
6. Order then remains in the City Clerk's office for seven (97) days before Council votes thereon; and
7. After seven (97) days Council to hear parties in interest and to vote on the Order of Abandonment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", with a stylized flourish at the end.

Christine P. O'Connor
City Solicitor

CPO:order:abandoneatonst

Encls.

Cc: C. Clancy – City Engineer
D. Tradd – DPD
P. Lucken – DPD
Planning Board
S. Lemay - Assessor